

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
MICHIGAN, SOUTHERN DIVISION

Romulo Jose Orellano Lopez v. Robert Lynch et al.

Orellano Lopez · No. 1:25-cv-1459 · Decided November 25, 2025

SUMMARY

The United States District Court for the Western District of Michigan conditionally granted Romulo Jose Orellano Lopez’s 28 U.S.C. § 2241 habeas petition challenging his immigration detention. The court held that 8 U.S.C. § 1226(a), rather than the mandatory-detention provision in § 1225(b)(2)(A), governs a noncitizen who had been residing in the United States before being apprehended. It further concluded that detention under the mandatory-detention framework violated the Fifth Amendment and that prudential exhaustion was not required or, alternatively, should be waived.

CASE DETAILS

COURT	United States District Court for the Western District of Michigan, Southern Division
WRITING FOR THE COURT	Jane M. Beckering
JURISDICTION	United States District Court for the Western District of Michigan, Southern Division
DECIDED	November 25, 2025
DOCKET	1:25-cv-1459
DISPOSITION	writ_granted
PROCEDURAL POSTURE	A detained noncitizen filed a counseled petition for a writ of habeas corpus under 28 U.S.C. § 2241, challenging the statutory basis and constitutional validity of his immigration detention. The court declined to require prudential exhaustion, conditionally granted habeas relief, ordered a bond hearing or release, and dismissed the United States Attorney General as a respondent.
STANDARD OF REVIEW	The court reviewed the § 2241 detention challenge and statutory interpretation de novo. For the due-process issue, it applied the three-factor balancing test from Mathews v. Eldridge. Prudential exhaustion was reviewed under the court's sound judicial discretion.
PRECEDENTIAL VALUE	Unpublished federal district court opinion; persuasive at most and not binding precedent outside the case.

PARTIES

Romulo Jose Orellano Lopez v. Robert Lynch et al.

TOPICS

immigration detention

statutory interpretation

procedural due process

removal proceedings

civil procedure

PRACTICE AREAS

immigration

habeas corpus

constitutional law

civil procedure

QUESTIONS PRESENTED

1. Whether prudential exhaustion should be required before adjudicating petitioner's § 2241 challenge to his immigration detention.
2. Whether 8 U.S.C. § 1225(b)(2)(A) or 8 U.S.C. § 1226(a) governs detention of a noncitizen who entered the United States earlier and was apprehended while already residing in the country.
3. Whether detention under the mandatory-detention framework of § 1225(b)(2)(A), without an individualized bond hearing, violates the Fifth Amendment Due Process Clause.
4. Which respondent is proper in a habeas action challenging immigration detention, and whether the court should retain the Secretary of Homeland Security because of the possibility of transfer.

HOLDINGS

1. Prudential exhaustion is not required for petitioner's § 2241 detention challenge because the central statutory question is purely legal, the constitutional claim is not a correctable procedural error, and administrative review was unlikely to eliminate the need for judicial review. Alternatively, any exhaustion requirement should be waived because exhaustion would be futile and delay would cause hardship.
2. Section 1226(a), rather than the mandatory-detention provision in § 1225(b)(2)(A), governs noncitizens who have resided in the United States and were already within the country when apprehended and arrested.
3. Petitioner's detention under the mandatory-detention framework of § 1225(b)(2)(A) violates the Fifth Amendment Due Process Clause because § 1226(a) applies and requires an individualized custody determination through a bond hearing.
4. The court retained the Secretary of Homeland Security as a respondent to preserve the effectiveness of the conditional habeas relief if petitioner were transferred, but dismissed the United States Attorney General as a respondent.

KEY QUOTATIONS

"Accordingly, for the above-discussed reasons, the Court concludes that § 1226(a), not § 1225(b)(2)(A), governs noncitizens, such as Petitioner, who have resided in the United States and were already within the

United States when apprehended and arrested.” (Section IV.A)

“Accordingly, the Court concludes that Petitioner’s current detention under the mandatory detention framework set forth in § 1225(b)(2)(A) violates Petitioner’s Fifth Amendment due process rights.” (Section IV.B)

FACTUAL BACKGROUND

Romulo Jose Orellano Lopez is a Venezuelan citizen who had resided in the United States since early 2024. ICE arrested him in Chicago, Illinois, on September 24, 2025, and charged him with inadmissibility under INA § 212(a)(6)(A)(i). He was detained at the North Lake Processing Center in Michigan and was scheduled for a master hearing before the Detroit Immigration Court on January 7, 2026. The record did not show that he had received a bond hearing.

PROCEDURAL HISTORY

Petitioner filed the § 2241 petition on November 14, 2025. The court ordered respondents to show cause on November 19, 2025; respondents filed a response on November 21, and petitioner filed a reply. The court resolved the matter on the briefs, conditionally granted the petition, ordered a bond hearing within five business days or release, required a compliance status report, and dismissed the Attorney General as a respondent.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Respondents must provide petitioner with a bond hearing under 8 U.S.C. § 1226(a) within five business days of the Opinion and Judgment or immediately release him from custody. Respondents must file a status report within six business days certifying compliance and stating whether and when the hearing occurred, whether bond was granted or denied, and, if denied, the reasons. The United States Attorney General is dismissed as a respondent.

CASES CITED

- Hamdi v. Rumsfeld, 542 U.S. 507, 525, 529 (2004)
- Zadvydas v. Davis, 533 U.S. 678, 687, 690 (2001)
- A. A. R. P. v. Trump, 145 S. Ct. 1364, 1367 (2025)
- Shearson v. Holder, 725 F.3d 588, 593-94 (6th Cir. 2013)
- McCarthy v. Madigan, 503 U.S. 140, 144 (1992)
- Island Creek Coal Co. v. Bryan, 937 F.3d 738, 746 (6th Cir. 2019)
- Pizarro Reyes v. Raycraft, 2025 WL 2609425, at *3-*5 (E.D. Mich. Sept. 9, 2025)
- Hernandez Torrealba v. U.S. Dep’t of Homeland Sec., 2025 WL 2444114, at *8 (N.D. Ohio Aug. 25, 2025)
- Lopez-Campos v. Raycraft, 2025 WL 2496379, at *4-*6, *9 (E.D. Mich. Aug. 29, 2025)

- United States v. California Care Corp., 709 F.2d 1241, 1248 (9th Cir. 1983)
- McGee v. United States, 402 U.S. 479, 484 (1971)
- McKart v. United States, 395 U.S. 185, 193-95 (1969)
- Loper Bright Enters. v. Raimondo, 144 S. Ct. 2244, 2266, 2273 (2024)
- Matter of Yajure Hurtado, 29 I&N Dec. 216, 229 (BIA 2025)
- Shalala v. Ill. Council on Long Term Care, Inc., 529 U.S. 1, 13 (2000)
- Rodriguez v. Bostock, 779 F. Supp. 3d 1239, 1245 (W.D. Wash. 2025)
- Hibbs v. Winn, 542 U.S. 88, 101 (2004)
- Corley v. United States, 556 U.S. 303, 314 (2009)
- Kentucky v. Biden, 23 F.4th 585, 603 (6th Cir. 2022)
- In re Vill. Apothecary, Inc., 45 F.4th 940, 947 (6th Cir. 2022)
- King v. Burwell, 576 U.S. 473, 486 (2015)
- Roberts v. Sea-Land Servs., Inc., 566 U.S. 93, 101 (2012)
- Hing Sum v. Holder, 602 F.3d 1092, 1100-01 (9th Cir. 2010)
- Martinez v. Hyde, 792 F. Supp. 3d 211, 218 (D. Mass. July 24, 2025)
- Lopez Benitez v. Francis, 2025 WL 2371588, at *7 (S.D.N.Y. Aug. 13, 2025)
- Yates v. United States, 574 U.S. 528, 537, 552 (2015)
- Dubin v. United States, 143 S. Ct. 1557, 1567-68 (2023)
- United States v. Silvestre-Gregorio, 983 F.3d 848, 852-56 (6th Cir. 2020)
- Günaydin v. Trump, 784 F. Supp. 3d 1175, 1187 (D. Minn. 2025)
- Hernandez-Lara v. Lyons, 10 F.4th 19, 28 (1st Cir. 2021)
- Velasco Lopez v. Decker, 978 F.3d 842, 851 (2d Cir. 2020)
- Sampiao v. Hyde, 2025 WL 2607924, at *12 (D. Mass. Sept. 9, 2025)
- Braden v. 30th Jud. Cir. Ct. of Ky., 410 U.S. 484, 494-95 (1973)
- Roman v. Ashcroft, 340 F.3d 314, 322, 325-26 (6th Cir. 2003)